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10 (erroneously sued as "TIMBERWORK OREGON, INC."),  
11 JOAN L. SHUELL and EARL BLONDHEIM

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2. The Court has appointed Mark LeHockey to act as mediator, and the Parties and Mr. LeHockey initially scheduled mediation to take place on March 25, 2009.

3. Thereafter, due to discovery issues and a pending protective order, the Parties stipulated to extend the deadline for Plaintiff and Defendants to engage in mediation to May 29, 2009, or as soon thereafter as the schedules of the Parties, their respective counsel, and Mr. LeHocky, would allow. The Parties scheduled mediation to take place on June 1, 2009.

4. On March 27, 2009, Timberwork, Inc. noticed the depositions of Plaintiff's corporate officer, Charla Honea, and its Person Most Knowledgeable, to take place on April 13 and 14, 2009, respectively. The notice provided that the depositions would take place in San Francisco, California.

5. On March 31, 2009, Plaintiff's counsel objected to the location, claiming that the depositions should take place in Nashville, Tennessee, Plaintiff's principal place of business. After discussions with Plaintiff's counsel, Timberwork's counsel agreed to travel to Nashville, Tennessee to conduct these depositions.

6. On April 30, 2009, Plaintiff's counsel advised that their clients are not available for deposition until June 3, 2009, in Nashville, Tennessee.

THEREFORE, the Parties hereby stipulate as follows:

## **STIPULATION**

Based on the foregoing recitals,

1. That the mediation presently scheduled for June 1, 2009, be continued; and
2. That the Court extend the deadline for Plaintiff and Defendants to engage in mediation to July 6, 2009, or as soon thereafter as the schedules of the Parties, their respective counsel, and Mr. LeHockey, will allow.

## IT IS SO STIPULATED.

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1 Respectfully submitted,

2 DATED: May \_\_\_, 2009

3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4

5 By \_\_\_\_\_

6 Julian J. Pardini  
7 Alan J. Haus  
8 Rowena C. Seto  
9 Attorneys for Defendants  
10 TIMBERWORK, INC.(erroneously sued as  
11 "TIMBERWORK OREGON, INC.") and  
12 EARL MAURY BLONDHEIM

13 DATED: May \_\_\_, 2009

14 GORDON & REESE LLP

15

16 By \_\_\_\_\_

17 Richard P. Sybert  
18 Lindsay J. Hulley  
19 Attorneys for Plaintiff  
20 MATSUNOKI GROUP, INC. dba HAIKU HOUSES

21 DATED: May \_\_\_, 2009

22 DONAHUE GALLAGHER WOODS LLP

23

24 By \_\_\_\_\_

25 John C. Kirke  
26 Andrew S. Mackay  
27 Jocelyn M Belloni  
28 Attorneys for Defendants  
DON PAUL and ILENE ENGLISH-PAUL

**MEDIATOR'S CONCURRENCE**

I concur in the above stipulation.

DATED: May \_\_\_, 2009

\_\_\_\_\_  
Mark LeHockey  
Mediator

## ORDER

Based on the foregoing stipulation of the Parties and the Mediator's concurrence,  
**THE COURT HEREBY ORDERS AND DECREES** that the mediation  
scheduled in this action to take place on June 1, 2009, be and hereby is **CONTINUED**,  
and, further,

**THE COURT HEREBY ORDERS AND DECREES** that the deadline for the Parties to engage in mediation be and here is **EXTENDED** to July 6, 2009, or as soon thereafter as the schedules of the Parties, their respective counsel, and the Mediator, will allow.

IT IS SO ORDERED.

Dated: May 8, 2009

Claudia Wilken

Claudia Wilken  
United States District Judge  
Northern District of California